

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JIMMY BYRD, : 09 Civ. 5755 (GBD) (JCF)  
Petitioner, : O R D E R  
- against - :  
DAWSON BROWN, :  
Acting Superintendent, Sing Sing :  
Correctional Facility, :  
Respondent. :  
-----:

JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Jimmy Byrd has applied for appointment of counsel pursuant to the Criminal Justice Act, 18 U.S.C. § 3006A, in this habeas corpus proceeding. The issues raised in the petition were fully developed by Mr. Byrd's counsel on direct appeal, and it does not appear that an evidentiary hearing will be necessary. Accordingly, the petitioner's application is denied.

SO ORDERED.

*James C. Francis IV*  
JAMES C. FRANCIS IV  
UNITED STATES MAGISTRATE JUDGE

Dated: New York, New York  
August 25, 2009

Copies mailed this date:

Jimmy Byrd  
04-A-1375  
Sing Sing Correctional Facility  
354 Hunter Street  
Ossining, New York 10562

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